



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1336

Introduced 2/4/2015, by Rep. Scott Drury

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-20

from Ch. 43, par. 134a

Amends the Liquor Control Act of 1934. Provides that a person is immune from criminal liability for certain violations of the Act, and a law enforcement officer may not charge or otherwise take a person into custody for those violations, if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that: (1) the law enforcement officer has contact with that person because the person requested medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption; (2) the person provided his or her full name and any other relevant information to the law enforcement officer; (3) the person remained at the scene with the individual needing medical assistance until emergency medical assistance personnel arrived; and (4) the person cooperated with emergency medical assistance personnel and law enforcement officers at the scene. Prohibits a person from initiating or maintaining an action against a law enforcement officer based on the law enforcement officer's compliance or failure to comply with the provisions relating to immunity from criminal liability.

LRB099 07161 RPS 27252 b

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-20 as follows:

6 (235 ILCS 5/6-20) (from Ch. 43, par. 134a)

7 Sec. 6-20. Transfer, possession, and consumption of
8 alcoholic liquor; restrictions.

9 (a) Any person to whom the sale, gift or delivery of any
10 alcoholic liquor is prohibited because of age shall not
11 purchase, or accept a gift of such alcoholic liquor or have
12 such alcoholic liquor in his possession.

13 (b) If a licensee or his or her agents or employees
14 believes or has reason to believe that a sale or delivery of
15 any alcoholic liquor is prohibited because of the non-age of
16 the prospective recipient, he or she shall, before making such
17 sale or delivery demand presentation of some form of positive
18 identification, containing proof of age, issued by a public
19 officer in the performance of his or her official duties.

20 (c) No person shall transfer, alter, or deface such an
21 identification card; use the identification card of another;
22 carry or use a false or forged identification card; or obtain
23 an identification card by means of false information.

1 (d) No person shall purchase, accept delivery or have
2 possession of alcoholic liquor in violation of this Section.

3 (e) The consumption of alcoholic liquor by any person under
4 21 years of age is forbidden.

5 (f) Whoever violates any provisions of this Section shall
6 be guilty of a Class A misdemeanor.

7 (g) The possession and dispensing, or consumption by a
8 person under 21 years of age of alcoholic liquor in the
9 performance of a religious service or ceremony, or the
10 consumption by a person under 21 years of age under the direct
11 supervision and approval of the parents or parent or those
12 persons standing in loco parentis of such person under 21 years
13 of age in the privacy of a home, is not prohibited by this Act.

14 (h) The provisions of this Act prohibiting the possession
15 of alcoholic liquor by a person under 21 years of age and
16 dispensing of alcoholic liquor to a person under 21 years of
17 age do not apply in the case of a student under 21 years of age,
18 but 18 years of age or older, who:

19 (1) tastes, but does not imbibe, alcoholic liquor only
20 during times of a regularly scheduled course while under
21 the direct supervision of an instructor who is at least 21
22 years of age and employed by an educational institution
23 described in subdivision (2);

24 (2) is enrolled as a student in a college, university,
25 or post-secondary educational institution that is
26 accredited or certified by an agency recognized by the

1 United States Department of Education or a nationally
2 recognized accrediting agency or association, or that has a
3 permit of approval issued by the Board of Higher Education
4 pursuant to the Private Business and Vocational Schools Act
5 of 2012;

6 (3) is participating in a culinary arts, food service,
7 or restaurant management degree program of which a portion
8 of the program includes instruction on responsible
9 alcoholic beverage serving methods modeled after the
10 Beverage Alcohol Sellers and Server Education and Training
11 (BASSET) curriculum; and

12 (4) tastes, but does not imbibe, alcoholic liquor for
13 instructional purposes up to, but not exceeding, 6 times
14 per class as a part of a required course in which the
15 student temporarily possesses alcoholic liquor for
16 tasting, not imbibing, purposes only in a class setting on
17 the campus and, thereafter, the alcoholic liquor is
18 possessed and remains under the control of the instructor.

19 (i) A law enforcement officer may not charge or otherwise
20 take a person into custody based solely on the commission of an
21 offense that involves alcohol and violates subsection (d) or
22 (e) of this Section if the law enforcement officer, after
23 making a reasonable determination and considering the facts and
24 surrounding circumstances, reasonably believes that all of the
25 following apply:

26 (1) The law enforcement officer has contact with the

1 person because that person either:

2 (A) requested emergency medical assistance for an
3 individual who reasonably appeared to be in need of
4 medical assistance due to alcohol consumption; or

5 (B) acted in concert with another person who
6 requested emergency medical assistance for an
7 individual who reasonably appeared to be in need of
8 medical assistance due to alcohol consumption;
9 however, the provisions of this subparagraph (B) shall
10 not apply to more than 3 persons acting in concert for
11 any one occurrence.

12 (2) The person described in subparagraph (A) or (B) of
13 paragraph (1) of this subsection (i):

14 (A) provided his or her full name and any other
15 relevant information requested by the law enforcement
16 officer;

17 (B) remained at the scene with the individual who
18 reasonably appeared to be in need of medical assistance
19 due to alcohol consumption until emergency medical
20 assistance personnel arrived; and

21 (C) cooperated with emergency medical assistance
22 personnel and law enforcement officers at the scene.

23 (j) A person who meets the criteria of paragraphs (1) and
24 (2) of subsection (i) of this Section shall be immune from
25 criminal liability for an offense under subsection (d) or (e)
26 of this Section.

1 (k) A person may not initiate or maintain an action against
2 a law enforcement officer based on the officer's compliance or
3 failure to comply with subsection (i) of this Section.

4 (Source: P.A. 97-1058, eff. 8-24-12.)